

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY ALAN EBERLY,

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFF'S  
DEPARTMENT, et al.,

Defendants.

No. 2:25-cv-00736-TLN-CKD

**ORDER**

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 31, 2025, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.<sup>1</sup>

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<sup>1</sup> In his objections, Plaintiff asks that his amended complaint be converted to a petition for a writ of habeas corpus. If Plaintiff wishes to proceed with a habeas petition, he should obtain the Court's form petition for a writ of habeas corpus brought by state prisoners, complete the form and file a new action in this Court.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
3 Court finds the findings and recommendations to be supported by the record and by proper  
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations (ECF No. 12) are ADOPTED IN FULL;
- 7 2. Plaintiff's amended complaint is DISMISSED without leave to amend; and
- 8 3. The Clerk of Court is directed to close the case.

9 Date: April 24, 2025

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TROY L. NUNLEY  
CHIEF UNITED STATES DISTRICT JUDGE